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pressly declares murder by poison to be murder of the first degree. And if the prisoner was guilty of the murder charged in the indictment she must of necessity have been guilty of murder in the first degree. She could, by possibility, have been guilty of second degree murder, but the jury has been erroneously charged, therefore, has been erroneous to charge the jury to that effect. To have charged them as to what constituted murder in the second degree, or voluntary or involuntary manslaughter, or as to the measure of the punishment of each, could have an-

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